

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue date: 15Feb2002**

**CASE NO.: 2001-FLS-23**

In the Matter of:

**ELAINE CHAO,**  
Secretary of Labor,  
United States Department of Labor  
Plaintiff

v.

**KANARIS, INCORPORATED, d/b/a**  
**PALAZZO DI STATHI/MANCHESTER PIZZA;**  
**and STEVE KANARIS**  
Respondents

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

The parties, pursuant to 29 C.F.R. § 18.9, hereby agree to the following Consent Findings:

1. By notice dated April 24, 2001, and issued by the Wage and Hour Division, Employment Standards Administration, pursuant to section 16 (e) of the Fair Labor Standards Act as amended, hereinafter the Act, 29 C.F.R. 216 (e), and in accordance with Departmental Regulations at 29 C.F.R. Part 578 and 580, a civil money penalty in the amount of \$6,800.00 was assessed against Respondents as a result of repeated or willful violations of minimum wage (Section 6) and overtime provisions (Section 7) of the Act.

2. Respondents timely filed with the Administrator of the Wage and Hour Division, Employment Standards Administration, by letter dated May 9, 2001, an exception to the assessed civil money penalty and to the determination that minimum wage and/or overtime violations occurred for which the penalty was assessed pursuant to 29 U.S.C. 216 (e) and 29 C.F.R. 580.6.

3. Subsequent to the filing of the exception, the Regional Solicitor for Region I, United States Department of Labor, by Order of Reference, referred this case on July 12, 2001, to the

Chief Administrative Law Judge of the Department, pursuant to 29 C.F.R. 580.10.

4. At all times pertinent hereto, Respondents have been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of sections 3(s) of the Fair Labor Standards Act of 1938, as amended 29 U.S.C 203(s) or has employed employees in commerce or in the production of goods for commerce.

5. Respondents certify that they are presently in compliance with the minimum wage and overtime provisions of Section 6 (29 U.S.C. 206) and Section 7 (29 U.S.C. 207) respectively, of the Act as amended, and, further say, that they will continue in compliance therewith.

6. Upon reconsideration of the amount of the civil money penalty assessed for the alleged repeated or willful violations, Complainant does hereby modify the notice of penalty by reducing the assessment of the civil money penalty to \$5,000.00, by certified check payable to Wage & Hour - U.S. Department of Labor, which will be due no later than thirty (30) days from the execution of this Consent Findings.

7. Respondents hereby withdraw their exception to the assessment of the civil money penalty, and agree to accept the modified penalty as final and binding.

8. Any order entered in accordance with this Consent Findings shall, pursuant to 29 C.F.R. 18.9(b)(1), have the same force and effect as an order made after full hearing.

9. The entire record upon which any final order may be based shall, pursuant to the provisions of Departmental Regulations at 29 C.F.R. 18.9(b)(2), consist of the April 24, 2001 Notice of Penalty, as modified herein, and this Consent Findings.

10. The signing of this Consent Findings waives any claim either party has to costs and/or attorney fees.

11. All further procedural rights provided by 29 C.F.R. Part 580, and any rights to contest the validity of these consent findings or any order issued pursuant hereto are hereby waived, as provided by regulation at 29 C.F.R. 18.9 (b) (3) and (4).

This Administrative Law Judge, having reviewed the Consent Findings, concludes that this settlement is in the best interests of all the parties and it is therefore **ORDERED** that the settlement agreement shall be, and the same hereby is **APPROVED** pursuant to the provisions of 29 C.F.R. § 18.9.

A  
**DAVID W. DI NARDI**  
District Chief Judge

Boston, Massachusetts  
DWD:jal